

Application No. 10/525,647  
In Response to Office Action July 11, 2007  
Paper Dated April 22, 2008  
Attorney Docket No. 4559-045632

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

1-49 (Canceled).

50 (New) A genetic construct comprising:

(a) an isolated promoter capable of driving and/or regulating expression, comprising an isolated nucleic acid sequence comprising the sequence of SEQ ID NO 18; and

(b) a heterologous nucleic acid sequence operably linked to said isolated promoter; and optionally

(c) a 3' transcription terminator.

51 (New) A genetic construct according to claim 50, wherein said construct contains a hybrid promoter comprising at least one part of a promoter as defined in claim 50 and further comprising another part of a promoter.

52 (New) An expression cassette comprising a genetic construct as defined in claim 50.

53 (New) A transformation vector comprising a genetic construct as defined in claim 50.

54 (New) An expression vector comprising a genetic construct as defined in claim 50.

55 (New) A host cell comprising an isolated promoter as defined in claim 50.

56 (New) The host cell according to claim 55, selected from the group consisting of a bacteria, algae, fungi, yeast, plant, insect and animal host cell.

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57 (New) A transgenic plant cell comprising the genetic construct according to claim 50.

58 (New) The transgenic plant cell according to claim 57, wherein said cell is a monocot plant cell.

59 (New) The transgenic plant cell according to claim 57, wherein said cell is a dicot plant cell.

60 (New) A transgenic plant comprising a transgenic plant cell as defined in claim 57.

61 (New) A transgenic plant according to claim 60, wherein said plant is selected from the group consisting of rice, maize, wheat, barley, millet, oats, rye, sorghum, soybean, sunflower, canola, sugarcane, alfalfa, bean, pea, flax, lupinus, rapeseed, tobacco, tomato, potato, squash, papaya, poplar and cotton.

62 (New) A plant part as defined in claim 61.

63 (New) A plant part as defined in claim 62, selected from the group consisting of a harvestable part, a propagule and progeny of the plant.

64 (New) A method for driving and/or regulating expression of a nucleic acid in a plant or plant cell, comprising introducing the genetic construct of claim 50 into a plant or plant cell.

65 (New) The method according to claim 64, wherein said expression is constitutive or tissue-specific.

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66 (New) A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell the genetic construct according to claim 50; and
- (b) cultivating said plant cell under conditions promoting plant growth.

67 (New) A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell a genetic construct as defined in claim 51; and
- (b) cultivating said plant cell under conditions promoting plant growth.

68 (New) A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an expression cassette as defined in claim 52; and
- (b) cultivating said plant cell under conditions promoting plant growth.

69 (New) A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell a transformation vector as defined in claim 53; and
- (b) cultivating said plant cell under conditions promoting plant growth.

70 (New) A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an expression vector as defined in claim 54; and
- (b) cultivating said plant cell under conditions promoting plant growth.